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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/944,850

10/06/1997

DAVID R. WALT

TU-97-01

1980

7590

03/17/2005

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EXAMINER

HANNAHER, CONSTANTINE

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT
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PAPER
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20050314

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The Board of Patent Appeals and Interferences has returned this undocketed appeal to the Examiner on the basis that it is "not apparent on the record that the examiner properly considered" the information disclosure statement filed February 14, 2000 "nor notified applicants of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. In particular, the examiner failed to sign and date the IDS."

The Information Disclosure Statement filed February 14, 2000 (having four pages of listing, as the listing of a single sheet filed the same day is not in question) is duplicative of the statement submitted December 2, 1999 (see paragraph 8 of the Office action mailed April 12, 2000) and is subject to the same defects as found in that earlier statement (see paragraphs 2 and 3 of the same Office action notifying applicants that the identifications of the references and the failure to submit copies was not in compliance with 37 CFR 1.98). Accordingly, it was appropriate for the Examiner to cross out, on an individual basis, every such listing which was in duplicate or subject to defect. Nevertheless, in accordance with MPEP § 609, the Examiner has now written "not considered" and drawn a diagonal line on each of the four sheets of information disclosure as filed February 14, 2000.

When a new list of references was submitted (subsequent to a filing of a continued prosecution application) on September 14, 2000 the same references which were crossed out from the lists of December 2, 1999 and February 14, 2000 were given evidence of consideration. Accordingly, the Examiner has no new obligation to consider the references listed in the Information Disclosure Statement of February 14, 2000 and no further action on the part of the Examiner is appropriate.

*Constantine Hannaher*  
Constantine Hannaher  
Primary Examiner